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GREGORY T. IRELAND

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

STEPHEN TORRES, as Personal Representative
for CHRISTOPHER TORRES, deceased.

Gena Lopez

Plaintiff,

v.

No. CV 2011-06551

CITY OF ALBUQUERQUE, ex. rel ALBUQUERQUE
POLICE DEPARTMENT,

Defendant.

**CITY DEFENDANT'S DAUBERT/ALBERICO MOTION NO. I: EXCLUSION OF
BENCHMARK FIGURES FOR LOST HOUSEHOLD SERVICES AND LOST
VALUE OF THE PLEASURE OF LIFE BY PLAINTIFF'S EXPERT
ECONOMIST BRIAN MCDONALD**

COMES NOW, Defendant, the City of Albuquerque (hereinafter referred to as "City Defendant"), through its attorneys, Robles, Rael, and Anaya, P.C. (Luis Robles, Esq.) and Butt, Thornton & Baehr, P.C. (W. Ann Maggiore, Esq.), and pursuant to New Mexico Rule of Evidence 11-702, hereby submits its Daubert/Alberico Motion No. I: The Exclusion of Benchmark Figures for Lost Household Services and Lost Value of the Pleasure of Life by Plaintiff's Expert Economist Brian McDonald (*hereinafter* "Motion"). As grounds for the Motion, City Defendant states the following:¹

INTRODUCTION

In this case, Plaintiff's expert economist, Brian McDonald, intends to provide testimony to the jury regarding a benchmark figure for the value of Christopher Torres' loss of household services and a range of values for Christopher Torres' lost pleasure of life. However, such testimony will not be helpful to the jury, and is unreliable and otherwise inadmissible under New Mexico Rule of Evidence

¹ Pursuant to **NMRA Rule 1-007.1(C)**, on January 23, 2014, City Defendant contacted Plaintiff's counsel to determine concurrence or opposition to the Motion. The present Motion is opposed.